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RR RUEHDBU RUEHPW  
DE RUEHBUL #1345/01 1500251  
ZNR UUUUU ZZH  
R 300251Z MAY 09  
FM AMEMBASSY KABUL  
TO RUEHC/SECSTATE WASHDC 9137  
INFO RUCNAFG/AFGHANISTAN COLLECTIVE

UNCLAS SECTION 01 OF 02 KABUL 001345

DEPARTMENT FOR SRAP, SCA/FO, SCA/A, EUR/RPM  
STATE PASS TO AID FOR ASIA/SCAA  
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E.O. 12958: N/A  
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SUBJECT: Anti-Corruption Unit Pressing Forward in Politically Sensitive Case

Summary

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¶1. (SBU) Although operating on a shoe-string budget, the Kabul-based Anti-Corruption Unit (ACU) of the Attorney General's Office is demonstrating the capability to handle a significant and politically sensitive corruption case. Since April 2009, the ACU has been investigating embezzlement charges against former Badghis (and current Zabul) Governor Naseri and associates. Based upon evidence gathered by the ACU, the imminent arrest of Naseri and his son appears likely. Arrest orders have been issued for 25 people involved in the illegal activity; 14 have been taken into custody; two were located but not arrested for security reasons; and nine people are still being sought. The arrest and charging of a substantial number of corruption suspects is unprecedented and represents a positive first prosecution by the nascent ACU.

Genesis of Investigation

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¶2. (SBU) The local prosecutor in Qal-e Naw in Badghis Province originally approached the State PRT officer to update her on the challenges he faced in his investigation of corruption in the provincial government. Because of widespread corruption within the law enforcement community, the prosecutor did not feel that he had the power to pursue the investigation as fully as it deserved. The PRT and Department of Justice worked together to bring the case to the attention of the Afghan Attorney General (AG), who assigned the investigation to the AG's Anti-Corruption Unit (ACU). DOJ mentors worked closely with the lead ACU prosecutor, Ahmad Rashed, to review the existing case file and to develop an investigative plan.

Investigations Yield Widespread Evidence of Embezzlement; Implicate Former Governor

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¶3. (SBU) From May 18 through May 25, two prosecutors from the ACU (Rashed and Parvez), along with an agent from the National Directorate of Security (NDS), Usman Abdul Wakil, conducted further investigations in Qal-e Naw. Investigations focused mainly on the embezzlement of funds allocated for official use and found that the primary recipients of embezzled funds were former Governor Hashraf Naseri (and current governor of Zabul Province) and his son. Officials of the governor's office, the Office of Municipalities and the Provincial Ministry of Finance are also involved in numerous instances of embezzlement.

¶4. (SBU) The investigative team's work included document review and witness interviews. The witnesses, several of whom have been arrested and charged, and documents described widespread embezzlement of funds allocated to the governor's office. Local vendors confirmed that invoices submitted by the governor's office in support of cash disbursements are forgeries. Low-level employees admitted their involvement and stated that they were forced to participate in the creation of false documents. Several mid-level

officials were identified as directing the fraud and benefitting from it.

Wide-scale Arrests Underway

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15. (SBU) To date, arrest orders have been issued for 25 people. Fourteen have been taken into custody; two were located but not arrested for security reasons; and nine are still being sought. Based upon the evidence gathered by the delegation, the arrest and charging of Governor Naseri and his son appear likely. If arrested, those two defendants, along with the head of the Badghis Ministry of Finance office, will be investigated in Kabul and their cases submitted to the Supreme Court anti-corruption tribunal for prosecution. The remainder of the defendants will be prosecuted in Badghis provincial courts.

Comment

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16. (SBU) This investigation represents the first major prosecution undertaken by the ACU. The arrest and charging of a substantial number of corruption suspects, particularly in a province so far removed from Kabul, is unprecedented. The ACU began operations in April 2009 and is still operating on a somewhat shoestring basis. (No computers, no phones, inadequate office space, etc.) The Badghis investigation was the first case the ACU received directly from the AG, as opposed to existing investigations that the ACU adopted from other prosecution divisions. The Badghis investigation was a demonstration of the ACU's ability to handle a significant and politically sensitive corruption case. It also demonstrated the willingness of the U.S., through DOJ, to mentor and support such

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Afghan efforts. The success of this investigation has provided a huge morale boost to the ACU. It remains to be seen whether this case against a Karzai-appointed governor will be allowed to proceed unimpeded to its ultimate conclusion.

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